

By: _____

5.B. No. 551

A BILL TO BE ENTITLED

AN ACT

relating to voter registration and notice of elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (c), Section 4.003, Election Code, are amended to read as follows:

(a) Except as provided by Subsection (c), notice of an election must be given [~~by--any--one--or--more--of--the--following methods~~]:

(1) (A) by publishing the notice at least once, not earlier than the 30th day or later than the 10th day before election day[+]

[+A+] in a newspaper which is published in the territory that is covered by the election and which is in the jurisdiction of the authority responsible for giving the notice[+]
or

[+B+] in a newspaper of general circulation in the territory if none is published in the jurisdiction of the authority responsible for giving the notice; or

(B)[+2+] by posting, not later than the 21st day before election day, a copy of the notice at a public place in each election precinct that is in the jurisdiction of the authority responsible for giving the notice; and [or]

(2)[+3+] by mailing, not later than the 10th day

____.B. No. ____

1 before election day, a copy of the notice to each registered voter
2 of the territory that is covered by the election and is in the
3 jurisdiction of the authority responsible for giving the notice.
4 The costs of the required mailings incurred by the authority
5 responsible for giving the notice shall be reimbursed with state
6 funds.

7 (c) In addition to any other notice given, notice of an
8 election ordered by a commissioners court or by an authority of a
9 city or school district must be given by the method prescribed by
10 Subsection (a)(1)(A).

11 SECTION 2. Subsection (a), Section 4.004, Election Code, is
12 amended to read as follows:

13 (a) The notice of a general or special election must state:
14 (1) the nature and date of the election;
15 (2) except as provided by Subsection (c), the location
16 of each polling place, including early voting locations;
17 (3) the hours that the polls will be open; and
18 (4) any other information required by other law.

19 SECTION 3. Chapter 13, Election Code, is amended by adding
20 Sections 13.123 and 13.124 to read as follows:

21 Sec. 13.123. MOTOR VOTER REGISTRATION. The application for
22 a driver's license under Section 6, Chapter 173, Acts of the 47th
23 Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas
24 Civil Statutes), shall serve as an official form for registration
25 if the applicant so elects under Subsection (c) of that section.

____.B. No. ____

1 Sec. 13.124. REGISTRATION AT CERTAIN STATE AGENCIES AND
2 INSTITUTIONS. (a) Any state agency or institution of higher
3 education which regularly collects the information required for
4 voter registration under Sections 13.002 and 13.122 from
5 applicants, students, clients, or other individuals whom the agency
6 or institution serves shall collect such information on a form
7 which provides a space for the signature of the applicant, student,
8 client, or other individual, or such person's agent, to be affixed
9 if the applicant, student, client, or other individual wishes this
10 information also to be used as an application for registration as a
11 voter in this state.

12 (b) The agency or institution shall regularly, at least
13 weekly, mail to the appropriate voter registrar those forms on
14 which the signature indicates the wish that the form also be used
15 as an application for voter registration.

16 SECTION 4. Section 16.034, Election Code, is amended to read
17 as follows:

18 Sec. 16.034. RECORDING CANCELLATION. (a) On cancellation
19 of a voter's registration, the registrar shall enter the date of
20 and reason for the cancellation on the voter's registration
21 application and duplicate registration certificate and make any
22 other appropriate corrections in the registration records.

23 (b) The record of cancellation shall be made on a form the
24 size and contents of which shall be prescribed by the secretary of
25 state.

____.B. No. ____

SECTION 5. Section 16.032, Election Code, is amended to read as follows:

Sec. 16.032. CANCELLATION FOLLOWING RETURN OF RENEWAL CERTIFICATE. (a) Not later than August 1 of each even-numbered year, the registrar shall mail to each voter whose name appears on the list of returned certificates and is not to be deleted from the list under Section 15.023 a forwardable notice to the mailing address on the voter's registration application. The notice must state that the voter's registration will be canceled on the following August 16 unless the voter:

(1) delivers to the registrar a written, signed notice of:

(A) corrected registration information, including the voter's residence address; or

(B) information indicating that the voter's renewal registration certificate was returned undelivered to the registrar solely because of postal service error, address reclassification, or the registrar's clerical error; or

(2) executes, at an election held before August 16, an affidavit of residence.

(b) The registrar may not cancel a voter's registration under Subsection (d) unless a notice was mailed to the voter in compliance with Subsection (a).

(c) The costs to the registrars of mailing the required notices under Subsection (a) shall be reimbursed with state funds

____.B. No. ____

1 appropriated for that purpose. The secretary of state shall
2 distribute the appropriate amounts to the registrars in accordance
3 with procedures prescribed by the secretary.

4 (d) If on August 16 of an even-numbered year a registered
5 voter's name appears on the list of returned certificates, the
6 registrar shall cancel the voter's registration unless:

7 (1) the name is to be deleted from the list under
8 Section 15.023; or

9 (2) the registrar before that date receives a notice
10 from the voter under Subsection (a) or the voter's affidavit of
11 residence.

12 SECTION 6. Section 6, Chapter 173, Acts of the 47th
13 Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas
14 Civil Statutes), is amended by adding Subsections (c) and (d) to
15 read as follows:

16 (c) In addition to the information required in Subsection
17 (b) of this section, every original application shall contain the
18 information required for an application for registration as a voter
19 under Sections 13.002 and 13.122, Election Code, and shall provide
20 a space for the signature of the applicant or applicant's agent to
21 be affixed if the applicant wishes this information also to be used
22 as an application for registration as a voter in this state.

23 (d) The Department shall regularly, at least weekly, mail to
24 the appropriate voter registrar those applications on which the
25 applicant's signature indicates a wish that the application also be

____.B. No. ____

1 used as an application for voter registration under Subsection (c)
2 of this section.

3 SECTION 7. (a) Except as provided in Subsection (b) of this
4 section, this Act takes effect September 1, 1991.

5 (b) Sections 3 and 6 of this Act take effect January 1,
6 1992.

7 SECTION 8. The importance of this legislation and the
8 crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 1, 1991

**TO: Honorable Bob Glasgow, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas**

**IN RE: Senate Bill No. 551
By: Ellis**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 551 (relating to voter registration and notice of elections) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would provide that the Department of Public Safety and institutions of higher education register voters. Agencies and institutions which collect the information required for voter registration would be required to mail such information at the request of the applicant, to the appropriate voter registrar.

In addition, the bill would amend several sections in the Election Code relating to the notification of elections. The bill would require all registered voters to be notified of an election by mail. Also, the registrar would be required to notify voters of impending registration cancellation following the return of returned renewal certificates.

The bill would specify that cost to the registrars incurred due to mailing requirements shall be reimbursed with state funds.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Cost Out of the State Highway Fund No. 006</u>
1992	\$ 14,634,524	\$ 17,470
1993	9,512,000	17,470
1994	14,634,524	17,470
1995	9,512,000	17,470
1996	14,634,524	17,470

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Secretary of State, Department of Public, Texas Higher Education Coordinating Board;
LBB Staff: JO, JWH, DF, KP, LC

RECEIVED

APR 02 1991

SENATE
State Affairs

S.B. No. 551

By E. J. [Signature]

A BILL TO BE ENTITLED
AN ACT: relating to voter registration and notice of elections.

2-21-91
FEB 25 1991

Filed with the Secretary of the Senate
Read and referred to Committee on STATE AFFAIRS SUBCOMMITTEE
ON ELECTIONS AND ETHICS
Reported favorably _____
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed
Laid before the Senate
Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays
Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays
Caption ordered amended to conform to the body of the bill.
Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.
Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

_____ Engrossed
_____ Sent to House
Engrossing Clerk _____

_____ Received from the Senate
_____ Read first time and referred to Committee on _____
_____ Reported favorably amended, sent to Printer at _____
_____ Printed and Distributed _____
_____ Sent to Committee on Calendars _____
_____ Read Second time (amended): passed to third reading (failed)
by (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.
_____ Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a
four-fifths vote of _____ yeas, _____ nays _____ present not voting.
_____ Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of
_____ yeas, _____ nays _____ present not voting.
_____ Caption ordered amended to conform to body of bill.
_____ Returned to Senate.

CHIEF CLERK OF THE HOUSE

_____ Returned from House without amendment.
_____ Returned from House with _____ amendments.
_____ Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

212
7/15 45